

THE STATE EX REL. PLONSKI, APPELLANT, v. KIMBERLY QUALITY CARE ET AL.;

INDUSTRIAL COMMISSION OF OHIO, APPELLEE.

[Cite as *State ex rel. Plonski v. Kimberly Quality Care* (1999), ___ Ohio St.3d
___.]

*Workers' compensation — Court of appeals' judgment reversed and delayed
appeal permitted.*

(No. 97-506 — Submitted October 27, 1998 — Decided January 20, 1999.)

APPEAL from the Court of Appeals for Franklin County, No. 96APD05-613.

Shapiro, Kendis & Associates Co., L.P.A., and Rachel B. Jaffy, for appellant.

*Betty D. Montgomery, Attorney General, and Jonathan A. Good, Assistant
Attorney General, for appellee.*

The judgment of the court of appeals is reversed. The Industrial Commission is ordered to permit relator Deborah Plonski to proceed with a delayed appeal, since there was evidence in the Bureau of Workers' Compensation file prior to the hearing of relator's change of address.

DOUGLAS, RESNICK, F.E. SWEENEY and PFEIFER, JJ., concur.

MOYER, C.J., dissents.

COOK and LUNDBERG STRATTON, JJ., dissent.

LUNDBERG STRATTON, J., dissenting. I dissent and would affirm the judgment of the court of appeals.

COOK, J., concurs in the foregoing dissenting opinion.